

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

**JONATHAN FISHMAN,** )  
 )  
 )  
**PLAINTIFF** )  
 )  
 )  
**v.** ) **CIVIL No. 1:16-cv-362-DBH**  
 )  
 )  
**BRADLEY WILLIAMS,** )  
 )  
 )  
**DEFENDANT** )

**ORDER ON DEFENDANT'S MOTION FOR RECONSIDERATION**

On October 12, 2016, I remanded this matter to state court (ECF No. 18).

On November 1, 2016, the defendant nevertheless filed in *this federal* court what he called “Answer to Document 9 Decision on Removal of Jurisdiction for Failure to Respond” (ECF No. 20). “Document 9” is the Magistrate Judge’s recommended decision of September 6, 2016, which I adopted because no one had filed a timely objection. I also stated that “I would remand the case even without the Magistrate Judge’s report and recommendation” because “the lack of subject matter jurisdiction and the defendant’s blatant failure to respond to the Court’s Order to Show Cause well before August 31, 2016 are obvious.” (ECF No. 18).

The defendant did not appeal my Order of October 12, 2016, which sent the case back to state court. It is too late now to try to object to the Magistrate Judge’s September 6 decision. In any event, as I said on October 12, this court obviously lacks subject matter jurisdiction and the defendant blatantly failed to respond to a previous Order to Show Cause.

I treat the defendant's ECF No. 20 as an objection to the Magistrate Judge's Recommended Decision, and the objection is **OVERRULED**. This court has no jurisdiction over this dispute.

I also warn the defendant that if he continues to file pleadings here in federal court in this case that has been remanded to state court, filing restrictions may be in the offing. Accordingly, Bradley Williams is now on **NOTICE** that filing restrictions "may be in the offing." Cok v. Family Court of R.I., 985 F.2d 32, 35 (1st Cir. 1993). This represents the "cautionary order" of which Cok speaks. Id. Groundless and inappropriate filings will not be tolerated.

**So ORDERED.**

**DATED THIS 12<sup>TH</sup> DAY OF DECEMBER, 2016**

/S/D. BROCK HORNBY

**D. BROCK HORNBY**

**UNITED STATES DISTRICT JUDGE**